IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION No.3774 of 2004.

IN

SUMMARY SUIT No.3578 of 2004.

Meera Mayaram Bhatt ... Plaintiff.

Versus.

Dhanesh Harkishandas Chadially
& Anr. .... Defendants.

Mr. S. S. Joshi, Advocate for the Plaintiff.

None for the defendants.

CORAM :SMT. NISHITA MHATRE J.

DATE :07/06/2006.

P.C.

. By this motion the plaintiff seeks an injunction against the defendants restraining them from disposing of the residential premises situated at Flat No. 6/A-303, Damodhar Park, L.B.S. Marg, Ghatkopar (West), Mumbai 400 086. The plaintiff has also prayed for attachment of the said flat under Order XXXVIII Rule 5 of the Code of Civil Procedure.

2] On 10.01.2006 this Court has made the Summons for Judgment No.117 of 2005 absolute. This Court has directed the respondents to deposit

a sum of Rs.3,35,000/- within four weeks failing which the plaintiff would be entitled to a decree. It appears that defendant has not deposited the amount in this Court. The suit is yet to come up for hearing. The plaintiff is, therefore, seeking either attachment before judgment or an injunction against the defendants. She apprehends that the defendants are likely to dispose off or alienate the aforesaid premises. According to the plaintiff, she would not be able to execute the decree.

3] Mr. Kurup appears for the defendants and states that he does not represent the defendants any more. However, no steps have been taken by him to obtain a discharge from the defendants.

4] I have heard the learned counsel for the plaintiff and perused the affidavit in support of the motion.

5] The affidavit of defendant no.2 filed in reply to the Motion indicates that the aforesaid flat does belong to the defendants. The plaintiff has made out a case for granting an injunction against the defendants.

6] In the circumstances, Notice of Motion granted in terms of prayer clause (b).

(SMT.NISHITA MHATRE.J.)